

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PALMER/KANE LLC,  
a Vermont Limited Liability Company

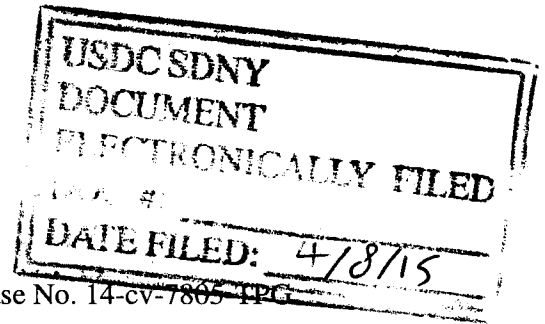
Plaintiff,

v.

SCHOLASTIC CORPORATION, a Delaware  
Corporation, and  
SCHOLASTIC, INC.,  
a New York corporation,

Defendants.

)  
) Case No. 14-cv-7805-TPG  
)  
) Hon. Thomas P. Griesa  
)  
) **CIVIL CASE MANAGEMENT**  
) **PLAN AND**  
) **DISCOVERY SCHEDULE**  
)  
)  
)



This Civil Case Management Plan (the "Plan"), including Exhibit A hereto (summarizing the dates) is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. The parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. Settlement discussions have taken place, and are ongoing.
3. The parties have conferred pursuant to Fed. R. Civ. P. 26(f) on **March 24, 2015**.
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be exchanged no later than **April 8, 2015**.
5. Amended pleadings may not be filed, and additional parties may not be joined, except with leave of the Court. Any motion to amend or to join additional parties shall be filed by **May 15, 2015**.

6. All fact discovery is to be completed by **January 15, 2016**.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York.
  - a. Initial requests for production of documents shall be served by **April 8, 2015**.
  - b. Document production shall be substantially complete by **October 15, 2015**.
  - c. Interrogatories
    - i. Interrogatories under Local Rule 33.3(a) shall be served by **April 8, 2015**.
    - ii. In accordance with Local Rule 33.3, at least 30 days prior to the close of fact discovery, interrogatories seeking the claims and contentions of the opposing party may be served unless the Court has ordered otherwise.
    - iii. A maximum of 25 interrogatories shall be served by each party.
    - iv. The parties shall serve final responses to any interrogatories seeking their claims and contentions within 21 days of the close of fact discovery.
  - d. Fact depositions shall be completed by **January 15, 2016**.
    - i. Limitation on Total Hours for Deposition Discovery. 7 hours per witness, unless the parties mutually agree otherwise.
    - ii. Location of Depositions. The parties will work together to find mutually agreeable locations for depositions.
  - e. Requests to admit shall be served no later than **45 days** prior to the close of fact discovery, with a maximum of 50 requests for admission. The parties hereby stipulate that there will be a presumption as to the authenticity for purposes of admissibility at trial of their own documents produced in this case that appear on their face to have been authored, generated, or prepared by a

party or one of the party's employees or agents, and to emails produced from a party's servers, with no need for additional proof of authenticity at trial provided that the trial exhibit appears unaltered from the condition in which it was produced by that party, and in reliance on this stipulation the parties do not anticipate any need for additional requests for admissions to authenticate documents. It is the producing party's burden to come forward with evidence of the lack of authenticity of its own documents as described above, and the parties agree to meet and confer in good faith regarding any authentication issues relating to documents presumed to be authentic under this provision.

8. All expert discovery, including disclosure of expert reports, production of underlying documents, and depositions shall be completed by **60 days** after reply expert reports.
  - a. Expert Reports. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due **February 19, 2016**. Rebuttal expert reports are due **30 days** after initial expert reports. Reply expert reports are due **30 days** after rebuttal expert reports.
  - b. Expert Witness Depositions. Along with the submissions of the expert reports, the parties shall advise of the dates and times of their experts' availability for deposition. Any party desiring to depose an expert witness shall notice and complete said deposition no later than **60 days** after reply expert reports.
9. All motions and applications shall be governed by the Court's Individual Rules.

10. Counsel for the parties propose the following alternative dispute resolution mechanism(s) for this case:

- a.   x   Referral to a Magistrate Judge for a settlement conference.
- b.      Referral to the Southern District's Mediation Program.
- c.      Retention of a private mediator.

The parties seek the above-noted referral after the close of fact discovery.

Unless otherwise ordered by the Court, settlement discussions do not stay or modify any date in this Order.

11. Summary Judgment and Daubert motions are to be filed within **60 days** of the close of all discovery.

12. Unless otherwise ordered by the Court, within **60 days** of the close of all discovery, or, if a dispositive motion has been filed, within **45 days** of a decision on such motion, the parties shall file via ECF a Joint Pretrial Report prepared in accordance with the Court's Individual Practices and Fed. R. Civ. P. 26(a)(3). Any motions in limine shall be filed via ECF at the same time that the Joint Pretrial Report is filed. If this action is to be tried before a jury, proposed voir dire, jury instructions, and a verdict form shall also be filed at the same time as the Joint Pretrial Report.

13. The parties shall be ready for trial within **30 days** of filing the Joint Pretrial Report.

14. This case is to be tried to a jury.

Dated: April 6, 2015

Respectfully submitted,

PEARL COHEN ZEDEK LATZER BARATZ LLP

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Scholastic, Inc.

Except for the dates contained in § 7 above, this Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in accordance with § 1.E of the Individual Practices of Judge Thomas P. Griesa. Ongoing settlement discussions do not extend any date herein unless expressly ordered by the Court.

The next Case Management Conference is scheduled for TBD.

SO ORDERED.

Date: 4/7/15  
New York, New York

  
HON. THOMAS P. GRIESA  
United States District Judge

**EXHIBIT A**

<b>Event</b>	<b>Date</b>
Rule 26(f) meet and confer	<b>March 24, 2015</b>
Rule 26(f) report due	<b>April 7, 2015</b>
Exchange written initial disclosures (Fed. R. Civ. P. 26(a))	<b>April 8, 2015</b>
Serve initial requests for production and Rule 33.3(a) interrogatories	<b>April 8, 2015</b>
Initial conference	<b>April 14, 2015</b>
Amending pleadings, joining or substituting parties	<b>May 15, 2015</b>
Document production substantially complete	<b>October 15, 2015</b>
Factual Discovery Closes	<b>January 15, 2016</b>
Initial expert reports	<b>February 19, 2016</b>
Rebuttal expert reports	<b>30 days</b> after initial expert reports
Reply Expert reports	<b>30 days</b> after rebuttal expert reports
Expert discovery closes	<b>60 days</b> after reply expert reports
Last day to file summary judgment and Daubert motions	<b>60 days</b> of the close of all discovery
Pre-trial report	<b>60 days</b> after close of all discovery, or, <b>45 days</b> after decision on Daubert/summary judgment motion
Motions in limine; Proposed voir dire, jury instructions and verdict form	<b>60 days</b> after close of all discovery, or, <b>45 days</b> after decision on Daubert/summary judgment motion